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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,187	09/06/2000	David Itzhak	9124.118US01	8930

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EXAMINER

PHASGE, ARUN S

ART UNIT PAPER NUMBER

1741

DATE MAILED: 11/19/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**Application No. *24*

09/656,187

Applicant(s)

ITZHAK, DAVID

Examiner

Arun S. Phasge

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 and 17-19 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura of record for reasons of record in view of Fleischman, article entitled, Reuse of Wastewater Effluent as Cooling Tower Makeup Water.

The Nakamura patent does not disclose the use of wastewater as the cooling tower water, since it appears to use tap water. The Fleischman patent is cited to show that it is known in the art to utilize wastewater as the cooling tower water for economic reasons (see page 501).

Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the wastewater as the makeup water, because the Fleischman reference discloses that such use would provide the obvious economic incentives.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Fleischman as applied to claims above, and further in view of Hudson of record.

The Nakamura patent does not disclose that the filter is a sand filter that is capable of being cleaned by backwashing. The Hudson patent is cited to show that such a filter is conventional and is known to remove particles (see col. 4, lines 44-56).

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Consequently, the invention as a whole would have been obvious to one having ordinary skill in the art to use the filter disclosed in the Hudson patent in the process of Nakamura, because the improvements of using the particle filter, such as a sand filter, would provide the improvement so the removal of particles.

*Response to Arguments*

Applicant's arguments with respect to claims 1-4, 8-14 have been considered but are moot in view of the new ground(s) of rejection.

*Allowable Subject Matter*

Claims 5-7, 17-19 are allowed.

The claims are allowed for reasons contained in prior Office actions.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (703) 308-2528. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X Nguyen can be reached on (703) 308-3322. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Arun S. Phasge  
Primary Examiner  
Art Unit 1741

asp  
November 18, 2002